

AMENDED IN ASSEMBLY MAY 7, 2003
AMENDED IN ASSEMBLY APRIL 21, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 259

**Introduced by Assembly Member Calderon
(Coauthors: Assembly Members Cohn and Reyes)**

February 4, 2003

An act to add Section 243.88 to the Penal Code, relating to battery.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Calderon. Battery: anger management.

Existing law proscribes and punishes the crime of battery, including battery committed on school or park property and battery committed against sports officials, as specified.

~~This bill would provide, in addition, that a spectator at a public recreation facility who commits an assault or battery against a spectator, player, or sports official at an athletic contest held at the facility may be required to take up to 12 hours of anger management classes at the judge's discretion. The spectator would be required to pay for the cost of these classes. By changing the penalty of existing crimes, this bill would impose a state-mandated local program.~~

This bill would require that when a person commits a battery immediately prior to, during, or immediately following an organized amateur or professional athletic contest against any person attending or participating in that contest, and the person committing the battery knows or reasonably should know that the victim is a person attending

or participating in the athletic contest, the offense be punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$2,000, or by both that fine and imprisonment. The bill would, in addition, authorize the court to order the person to attend up to 12 hours of anger management counseling at the person's expense. The court would be required to consider the person's ability to pay for the counseling, as specified. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 243.88 is added to the Penal Code, to
2 read:

3 ~~243.88. (a) A spectator at a public recreation facility is~~
4 ~~convicted of assault, as defined in Section 240, or battery, as~~
5 ~~defined in Section 242, against a spectator, player, or sports official~~
6 ~~at an athletic contest held at the facility may be required to take up~~
7 ~~to 12 hours of anger management classes at the judge's discretion.~~
8 ~~The spectator shall be required to pay for the cost of these classes.~~

9 ~~(b) For the purposes of this section, the following terms have~~
10 ~~the following meanings:~~

11 ~~(1) "Recreation facility" means an area, place, structure, or~~
12 ~~other facility under the jurisdiction of a public agency that is used~~
13 ~~either permanently or temporarily for athletic contests or~~
14 ~~practices. A "recreation facility" may be owned or operated~~
15 ~~jointly by public agencies.~~

16 ~~(2) "Spectator" means a person in attendance at an athletic~~
17 ~~contest or practice and not on the field of play at a public recreation~~
18 ~~facility.~~

19 ~~(c) "Sports official" means a person defined by subdivision (b)~~
20 ~~of Section 243.8.~~

1 ~~(d) The punishment provided by this section for the offense~~
2 ~~described in subdivision (a) shall be in addition to, and not in lieu~~
3 ~~of, any other punishment prescribed for that offense.~~

4 243.88. (a) When a person commits a battery immediately
5 prior to, during, or immediately following an organized amateur
6 or professional athletic contest against any person attending or
7 participating in that contest, and the person committing the
8 battery knows or reasonably should know that the victim is a
9 person attending or participating in the athletic contest, the
10 offense shall be punishable by imprisonment in a county jail not
11 exceeding six months, or by a fine not exceeding two thousand
12 dollars (\$2,000), or by both that fine and imprisonment.

13 (b) The court may, in addition to the punishment prescribed in
14 subdivision (a), and in addition to any other penalty or fine, or as
15 a condition of probation, order the person convicted to attend up
16 to 12 hours of anger management counseling, as deemed
17 appropriate by the court, at the expense of the convicted person.
18 The court shall consider the person's ability to pay all or a portion
19 of the cost of counseling, but inability to pay shall not relieve the
20 person of attending counseling.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.